

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COLIN H. BENTHAM,

Plaintiff,

-against-

LOCAL 670,

Defendant.
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REPORT AND
RECOMMENDATION
CV-10-601 (JBW)

Plaintiff brings this action *pro se*. Defendant removed the action from Kings County Small Claims Court, and served plaintiff with notice. Docket Entry 2. Apart from an indication that plaintiff seeks “to recover monies arising out of a breach of contract,” Docket Entry 1 at 3, the nature of plaintiff’s claim can not be discerned from a review of the Court’s records.

By Order dated March 18, 2010, I scheduled an initial conference to be held on May 7, 2010. The Order was mailed to plaintiff. Docket Entry 4. Nevertheless, plaintiff failed to appear. As a result, I entered a second Order re-scheduling the conference to 10:00 a.m. on June 21, 2010. Docket Entry 5. My Order directed that plaintiff must be present at the conference, and explicitly warned that I would consider recommending that this case be dismissed for failure to prosecute if plaintiff failed to appear. As indicated on the Court’s docket, this Order was also mailed to plaintiff by my chambers.

Plaintiff failed to appear for the conference on June 21, 2010. Accordingly, I respectfully recommend that this case be dismissed for failure to prosecute unless, within the time for filing objections, plaintiff explains why he did not appear and states that he intends to prosecute his claims. Any objections to this report and recommendation must be filed within fourteen days of receipt and in any event no later than July 12, 2010. Failure to file timely objections may waive the right to appeal the District Court’s order. See 28 U.S.C. §636(b) (1); Fed.R.Civ.P. 6(a), 6(e), 72; Small v. Secretary of Health and Human Services, 892 F.2d 14, 15 (2d Cir. 1989).

/s/
STEVEN M. GOLD
United States Magistrate Judge

Brooklyn, New York
June 21, 2010